

AMENDED IN ASSEMBLY JUNE 9, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 493**

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**Introduced by Senator Kuehl**

***(Coauthors: Senators Figueroa and Romero)***

*(Coauthors: Assembly Members Dymally, Jones, Koretz, and Mullin)*

February 18, 2005

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An act to amend Sections 11254 and 11333.7 of, and to add Sections 11254.2 and 11331.6 to, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

SB 493, as amended, Kuehl. Cal-Learn Program: schoolage teens.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the CalWORKs program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified needy children who meet specified eligibility criteria.

Existing law provides that recipients of aid under the CalWORKs program who are under 19 years of age, who are pregnant or custodial parents, shall be required to participate in the Cal-Learn Program, subject to the requirements that they participate in the program until earning his or her high school diploma or its equivalent, and participate in the program as a student attending school on a full-time basis. Existing law also provides for a supplement to, or a reduction in, a Cal-Learn participant's aid grant based on his or her performance in school.

This bill would authorize a CalWORKs recipient to receive aid during a transitional period of 6 *cumulative* months *during the individual's lifetime* without participating in the Cal-Learn Program as a full-time student if the participant works with a Cal-Learn case manager to find an appropriate educational program and supports that meet the needs of the participant. *The bill would require the department to adopt implementing regulations no later than January 1, 2008.*

This bill would exclude recipients in the transitional period from provisions for providing supplements and reductions in the aid grant.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

Because each county is required to administer the CalWORKs program, including the Cal-Learn Program, and pay for a portion of CalWORKs aid grant and administrative costs, the bill would ~~create~~ *impose* a state-mandated local program.

This bill would instead provide that no appropriation shall be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Teens with a high school pregnancy are in need of special
- 4 supports, services, and assistance.
- 5 (b) Poor and low-income teens account for 83 percent of teens
- 6 that give birth. The Cal-Learn Program is designed to help
- 7 pregnant and parenting teenagers on welfare to complete high
- 8 school, by providing cash assistance, school supports, intensive

1 case management, and supportive services such as transportation  
2 assistance and child care.

3 (c) Sixty percent of teens with a schoolage pregnancy drop out  
4 of school at ~~the~~ *some* point between the 8th grade and the 12th  
5 grade.

6 (d) Young women who become pregnant ~~and~~ *as* teens tend to  
7 have lower grade point averages, more school absences, and  
8 more difficulties with schoolwork, even before becoming  
9 pregnant, than their peers.

10 (e) Over one-half of parenting teens have been victims of  
11 abuse.

12 (f) The Cal-Learn Program benefits teens by increasing their  
13 chances of graduating from high school, achieving  
14 self-sufficiency, and preventing long-term dependency on  
15 welfare.

16 (g) Finding safe and appropriate housing is often difficult for  
17 teenage parents and refusing to grant temporary aid and  
18 assistance to teenage parents who are otherwise eligible for  
19 Cal-Learn Program benefits and services is counterproductive to  
20 the goal of ensuring that teenage parents live in appropriate  
21 living situations.

22 SEC. 2. Section 11254 of the Welfare and Institutions Code is  
23 amended to read:

24 11254. (a) Subject to subdivision (b), in the case of any  
25 individual who is under the age of 18 years and has never  
26 married, and who is pregnant or has a dependent child in his or  
27 her care:

28 (1) The individual may receive aid under this chapter for the  
29 individual and the child, if otherwise eligible, only if the  
30 individual and child reside in a place of residence maintained by  
31 a parent, legal guardian, or other adult relative of the individual  
32 as the parent's, guardian's, or adult relative's own home, or in  
33 another adult-supervised supportive living arrangement.

34 (2) The aid, where possible, shall be provided to the parent,  
35 legal guardian, or other adult relative on behalf of the individual.

36 (b) Subdivision (a) does not apply in any of the following  
37 circumstances:

38 (1) The individual has no parent or legal guardian of his or her  
39 own who is living or whose whereabouts are known.

(2) No living parent or legal guardian of the individual allows the individual to live in the home of the parent or guardian.

(3) It is determined by the child protective services worker that the physical or emotional health or safety of the individual or child would be jeopardized if the individual and child lived in the same residence with the individual's own parent, legal guardian or other adult relative.

(4) The individual lived apart from his or her parent or legal guardian for a period of at least one year before either the birth of the child or the individual having made application for aid under this chapter.

(5) It is determined in accordance with federal regulations that there is good cause for waiving subdivision (a).

(c) (1) The individual may receive aid for a transitional period of up to ~~six months~~ *cumulative months during the individual's lifetime* without being required to live with a parent, adult relative, or legal guardian, or other adult-supervised arrangement, or to meet one of the exemptions in subdivision (b). During the transitional period, the individual shall be required to come into compliance with subdivision (a) or demonstrate that his or her living situation already meets the requirements of subdivision (a) or one of the exemptions in subdivision (b).

(2) The transitional period during which an individual may receive aid without being required to live with a parent, adult relative, or legal guardian or in an adult-supervised arrangement does not need to be consecutive or in the first six months during which the individual receives aid.

(3) During the transitional period, the individual shall be provided with all assistance, case management, and supportive services that he or she would otherwise be entitled to receive under this chapter and as specified in Article 3.5 (commencing with Section 11331).

SEC. 3. Section 11254.2 is added to the Welfare and Institutions Code, to read:

11254.2. (a) ~~Each county CalWORKs district office shall designate at least one intake eligibility worker to process all teenage parent applications for aid. Notwithstanding the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement subdivision~~

(c) of Section 11254 and Section 11331.6 through the issuance of an All County Letter no later than January 1, 2006. The department shall adopt regulations implementing subdivision (c) of Section 11254 and Section 11331.6 no later than January 1, 2008.

(b) In consultation with the County Welfare Directors Association, advocates, and other relevant stakeholders, the department shall review existing regulations and practices, issue new instructions, as needed, to clarify existing Cal-Learn policies and eligibility rules, and share model policies for county welfare departments to assist eligibility workers in processing teenage parent applications.

~~(b) Each county shall provide annual training for each designated teenage parent eligibility worker to familiarize them with all aspects of the eligibility requirements and of regulations for the implementation of the Cal-Learn Program.~~

~~(c) Each designated teenage parent eligibility worker shall be trained to, and shall be capable to, do all of the following:~~

~~(1) Screen applicants for eligibility.~~

~~(2) Review applications for immediate need.~~

~~(3) Be familiar with all teenage parent eligibility requirements and regulations for the implementation of the Cal-Learn Program.~~

~~(4) Establish and maintain a working relationship with other case managers in the Cal-Learn Program and with case managers in the Adolescent Family Life Program under Article 1 (commencing with Section 124175) of Chapter 4 of Part 2 of Division 106 of the Health and Safety Code, as specified in Section 11332.5.~~

SEC. 4. Section 11331.6 is added to the Welfare and Institutions Code, to read:

11331.6. (a) Any recipient of aid under this chapter may receive aid during a transitional period of up to six months *cumulative months during the individual's lifetime* without participating in the Cal-Learn Program as a student attending school on a full-time basis as specified in paragraph (2) of subdivision (a) of Section 11331.5 and without meeting the exemption requirements of subdivision (c) of Section 11331.5 if he or she meet the requirements of this section.

(b) During the transitional period specified in subdivision (a), a recipient shall be required to comply with Section 11331.5 except the full-time attendance requirements of paragraph (2) of subdivision (a) of Section 11331.5 or demonstrate that he or she meets one of the exemption requirements of subdivision (c) of Section 11331.5.

(c) The following shall apply to any teenage parent who receives aid during a transitional period:

(1) The recipient may receive aid during the transitional period during which he or she works with a Cal-Learn case manager, as specified in Section 11331.5, to find an appropriate educational program and supports that meet the needs of the recipient and his or her dependent or dependents, or demonstrate that he or she meets an exemption to participation specified in subdivision (c) of Section 11331.5.

(2) The transitional period during which an individual shall be provided with aid without being required to participate in the Cal-Learn Program under Section 11331.5 need not be consecutive months or the first six months that the individual receives aid.

(3) During the transitional period, the individual shall be provided all assistance, case management, and supportive services that he or she would otherwise be entitled to under this chapter or this article.

SEC. 5. Section 11333.7 of the Welfare and Institutions Code is amended to read:

11333.7. (a) Any participant required to participate pursuant to Section 11331.5, except a teenage parent receiving aid during a transitional period, as defined in Section 11331.6, who maintains satisfactory progress in school shall, not more than four times in a calendar year, receive a one hundred dollar (\$100) supplement to the amount of aid paid pursuant to Section 11450. The supplement shall be paid to the assistance unit of which the teenage parent is a member in the month following submission of the report card, if received by the county no later than the 11th calendar day of the month, or in the second month following submission of the report card, if received by the county after the 11th calendar day of the month.

(b) (1) Any participant required to participate pursuant to Section 11331.5, except a teenage parent receiving aid during a

transitional period, as defined in Section 11331.6, who fails to demonstrate that he or she has made adequate progress in school, either by failing to provide the report card or based on the grades on the report card, shall, not more than four times in a calendar year, be subject to a sanction that shall be a reduction of one hundred dollars (\$100) of the amount that would otherwise be paid under Section 11450 apportioned equally over a two-month period.

(2) (A) Participants, including, but not limited to, those subject to sanctions, may seek to demonstrate good cause for lack of adequate progress. If there is good cause for lack of adequate progress the county shall either defer the participant from program participation, or waive all or part of the sanction, or both. Participants shall not otherwise be subject to conciliation under Section 11327.4 and sanctions under Section 11327.5, and shall be referred to case management services to determine the causes of poor school performance and how it can be improved.

(B) For the purposes of this section, failing to make adequate progress in school shall constitute good cause only when there is a condition or other ~~circumstances that substantially deprive~~ *circumstance that substantially deprives* the participant of the ability to make adequate progress on the report card or periodic progress report.

(c) Any participant required to participate pursuant to Section 11333.5 who successfully completes high school or a California high school equivalency examination shall receive a five hundred dollar (\$500) supplement. No assistance unit shall receive a one hundred dollar (\$100) supplement when a five hundred dollar (\$500) supplement for the same report card or progress report is paid. The five hundred dollar (\$500) supplement shall be paid to the teenage parent in the month following submission of the record of completion, if received by the county no later than the 11th calendar day of the month, or in the second month following submission of the record of completion, if received by the county after the 11th calendar day of the month.

(d) The sanction specified in subdivision (b) shall be applied only once per report card, not to exceed fifty dollars (\$50) in any single month, and shall be applied to the amount of aid paid to the assistance unit of which the teenage parent is a member pursuant to Section 11450. The participant shall submit a copy of

1 the report card to the case manager within 10 working days of  
2 receipt of the report card.

3 (e) (1) For purposes of this section, in schools that provide  
4 periodic report cards with letter grades, satisfactory progress  
5 means maintaining a grade point average of at least 2.0 on a scale  
6 where A equals 4.0 points and F equals 0 points, and adequate  
7 progress means maintaining a grade point average of at least 1.0  
8 on the same scale.

9 (2) For the purposes of this section, in schools or other  
10 educational programs that do not provide letter grades indicating  
11 student performance, satisfactory progress or inadequate progress  
12 shall be determined by the school's regular assessment of  
13 periodic progress.

14 (f) In cases where a participant is subject to a sanction  
15 pursuant to subdivision (b), case managers shall do all of the  
16 following:

17 (1) Fully inform teenage parents of the consequences of  
18 continuing to fail to comply with the program.

19 (2) Make reasonable efforts to reach teenage parents who they  
20 believe are in danger of continuing to fail to make satisfactory or  
21 adequate progress or not to attend school.

22 (3) Make reasonable efforts to secure a face-to-face meeting  
23 with a teenage parent before initiating a sanction.

24 (g) If a teenage parent fails or refuses to comply with program  
25 requirements without good cause, the case manager shall again  
26 inform the client of the consequences of not participating in the  
27 program, and shall provide the teenage parent with the telephone  
28 number and address of the local welfare rights organization or  
29 legal aid society, should he or she need further assistance.

30 SEC. 6. No appropriation pursuant to Section 15200 of the  
31 Welfare and Institutions Code shall be made for purposes of this  
32 act.

33 SEC. 7. If the Commission on State Mandates determines that  
34 this act contains costs mandated by the state, reimbursement to  
35 local agencies and school districts for those costs shall be made  
36 pursuant to Part 7 (commencing with Section 17500) of Division  
37 4 of Title 2 of the Government Code.